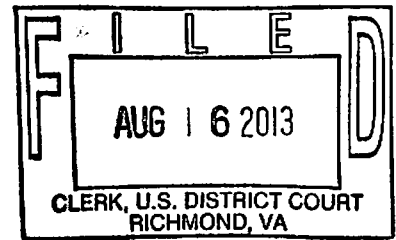


**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
RICHMOND DIVISION**



**KACI SMITH,**

**Plaintiff,**

**v.**

**CITIZENS AND FARMERS BANK**

**and**

**TERRY ANG,**

**Defendants.**

**Case No.:** 3:13CV550

**Removed from:**

Circuit Court for the County  
of Henrico, Virginia

**NOTICE OF REMOVAL**

Pursuant to 28 U.S.C. §§1441 and 1446, Defendants Citizens and Farmers Bank and Terry Ang (hereinafter "Defendants"), hereby give notice that they are removing this civil action from the Circuit Court of Henrico County, Virginia to the United States District Court for the Eastern District of Virginia, Richmond Division. As grounds therefore, Defendants respectfully state as follows:

1. On July 22, 2013, Plaintiff, Kaci Smith commenced a civil action against Defendants in the Circuit Court of Henrico County, Virginia, by filing a Complaint, entitled *Kaci Smith v. Citizens and Farmers Bank and Terry Ang* designated as CA No.CL13-1941. A copy of the Summons and Complaint, which were served on Defendants, are attached hereto as Exhibit A. The Summons and Complaint were received by Defendants on or about July 31, 2013.

2. In accordance with the provisions of 28 U.S.C. §1446(d), written notice of the filing of this Notice of Removal will be given to all adverse parties and a copy of this Notice of Removal will be filed with the Clerk of the Circuit Court of Henrico County, Virginia, promptly after the filing of this Notice of Removal with this Court. *See* Notice to State Court of Filing of Notice of Removal, attached hereto as Exhibit B, and Notice to Plaintiff of Filing of Notice of Removal, attached hereto as Exhibit C.

3. The required filing fee of \$400.00 and an executed Civil Cover Sheet accompany this Notice of Removal.

4. This case is a civil action over which this Court has original jurisdiction under Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. §2000e *et seq.* and 42 U.S.C. §1981(a) ("Title VII"); therefore, it is one that may be removed to this Court pursuant to 28 U.S.C. §§1441 and 1446 in that it raises a federal question.

5. The allegations set forth in Plaintiff's Complaint demonstrate that this is a civil action seeking relief under Title VII, a federal statute.

6. As is expressly alleged in the Complaint, Plaintiff's claim is brought under Title VII for 1) sexual harassment, 2) retaliation, 3) constructive wrongful discharge, 4) negligent retention. Plaintiff brings two other causes of action, against both Defendants, involving state claims (assault and battery). The allegations applicable to these state claims are based upon the same alleged facts used to assert the claims under Title VII. No separate facts or circumstances are asserted to support independently the state claims. All the facts and circumstances alleged in the Complaint pertain to the federal claims. Thus, the lawsuit involves a federal question and is removable.

8. Plaintiff alleges that she was, at the time of the commencement of this action, a resident of the Commonwealth of Virginia. This is a civil suit originally brought in the Circuit Court of Henrico County, and, accordingly, under 28 U.S.C. § 1441(a), the United States District Court for the Eastern District of Virginia, Richmond Division is the proper forum for removal.

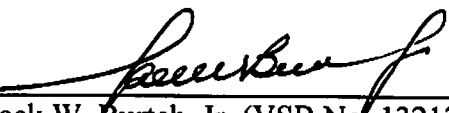
9. Fewer than thirty (30) days have elapsed since Defendants were served with the Complaint and Summons herein, on or about July 31, 2013. *See* 28 U.S.C. §1446(b).

10. All Defendants join in this Removal.

WHEREFORE, Defendants respectfully request that the action now pending in the Circuit Court of Henrico County, Virginia, be removed from there to this Court in accordance with the foregoing statutory provisions.


Respectfully submitted,

**CITIZENS AND FARMERS BANK**

By:   
Jack W. Burtch, Jr. (VSB No. 13217)  
Douglas R. Burtch (VSB No. 65316)  
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*Counsel for Defendant Citizens and Farmers Bank*

**TERRY ANG**

By:   
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*Counsel for Defendant Terry Ang*


**CERTIFICATE OF SERVICE**

I hereby certify that on this *16<sup>th</sup>* day of August 2013, a copy of the foregoing Notice of Removal was served by facsimile and first-class United States mail upon the following counsel of record:

David R. Simonsen, Jr., Esquire  
Vickey A. Verwey, Esquire  
*Attorneys for Plaintiff Kaci Smith*  
8003 Franklin Farms Drive, Suite 131  
Richmond, VA 23229-5107

I further certify that, on this *16<sup>th</sup>* day of August, 2013, a copy of the foregoing Notice of Removal will be filed in the Clerk's Office of the Circuit Court of the County of Henrico, at the following address:

Hon. Yvonne G. Smith  
Clerk, Henrico Circuit Court  
4301 E. Parham Road  
Courthouse Building, Rm. 240  
Henrico, VA 23273-0775

  
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Jack W. Burtch, Jr. (VSB No. 13217)  
Douglas R. Burtch (VSB No. 65316)  
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*Counsel for Defendant Citizens and Farmers Bank*